COURT NO.1

IN THE HIGH COURT OF UTTARNCHAL AT NAINITAL

WRIT PETITION NO.83 OF 2006 (M/B)

M/S Rana Castings Ltd.,
D-26 to D-32, Jashodharpur Industrial Area,
Kotwar, District Pauri Garhwal, Uttaranchal

..... **Petitioner**

Versus

Union of India through Secretary and three others

..... Respondents

Shri Sudhanshu Dhulia, Senior Advocate, learned counsel for the petitioner.
Learned standing counsel for the respondents.

Dated: February 13, 2006

Coram: Hon'ble Rajeev Gupta, C.J.
Hon. P.C. Verma, J.

1 Learned counsel for the petitioner does not dispute that the impugned order is appellable under Section 35 of the Central Excise Act, 1944.

2. We further notice that the matter involves disputed questions of fact which cannot be gone into in a petition under Article 226 of the Constitution of India.

3. In this view of the matter we decline to entertain the writ petition. The petition, therefore, fails and is hereby dismissed.

(P.C. Verma, J.) (Rajeev Gupta, C.J.)

Rajeev Dang